

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/047,607 Confirmation No.: 5741
Applicant: Andrew C. Gilbert, et al.
Title: S&M for Electronic Trading that Permit Principal/Broker Trading
Filed: January 14, 2002
Art Unit: 3691
Examiner: Muriel S. Tinkler

Atty. Docket: 01-1034 CF/34
Customer No. 63710

REPLY TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By this paper, Applicant responds to the Office Action of December 29, 2006 and respectfully requests reconsideration of the application.

Claims 1-16 are now pending. Claims 1, 3, 6, 8, 9, 11, 14 and 16 are independent.

I. Ginsberg '799 is Not Prior Art to this Application Pursuant to 35 U.S.C. § 103(c)

The Ginsberg '799 publication and this application were, at the time that the invention of this application was made, owned by, or subject to an obligation of assignment to, eSpeed, Inc., as reflected by assignments recorded at reel/frame 012567/0465 and 013086/0942 respectively.

Pursuant to 35 U.S.C. § 103(c) and MPEP § 706.02(l)(2)(II), Ginsberg '799 is not prior art to this application.

II. Paragraphs 3-8 of the Office Action may be Withdrawn

Because the Ginsberg '799 publication is not prior art, the issues raised in paragraphs 3-8 of the Action may be withdrawn.

III. Conclusion

The shortened statutory period runs through March 29, 2007. Accordingly, this response is timely.

Applicant requests that the application be passed to issue in due course. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for such extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-3938, Order No. 01-1034 CF/34.

Respectfully submitted,

ESPEED, INC.

Dated: March 28, 2007

By: /David E. Boundy/

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